United Nations A/CN.9/951

General Assembly

Distr.: General
28 May 2018

Original: English

United Nations Commission on International Trade Law
Fifty-first session
New York, 25 June–13 July 2018

Coordination and cooperation

International governmental and non-governmental organizations invited to sessions of UNCITRAL and its working groups

Note by the Secretariat

1. The Commission may wish to recall that from its forty-fourth session to fiftieth session, in 2011 to 2017, it heard oral reports by the Secretariat about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL.[1] At its forty-eighth session, in 2015, it requested the Secretariat, when presenting its oral report on the topic of organizations invited to sessions of UNCITRAL, to provide comments on the manner in which invited organizations fulfilled the criteria applied by the Secretariat in making its decision to invite non-governmental organizations.[2] At its forty-ninth session, in 2016, the Commission welcomed the detailed and informative report presented by the Secretariat pursuant to that request.[3] At its fiftieth session, in 2017, the Commission requested the Secretariat to provide information about intergovernmental and non-governmental organizations invited to sessions of UNCITRAL in writing for future sessions.[4] This note is presented pursuant to that request and covers the period since the start of the fiftieth session of UNCITRAL (Vienna, 3–21 July 2017) up to the date of this note.

2. Criteria and procedures for inviting intergovernmental and non-governmental organizations to sessions of UNCITRAL and its working groups may be found on the UNCITRAL website at http://www.uncitral.org/uncitral/en/about/methods_faq.html.

3. Since the Commission's fiftieth session, in 2017, the following intergovernmental organizations (IGOs) have been added in the list of IGOs invited

[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17* (A/66/17), paras. 288–298; ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 174–178; ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 257–261; ibid., *Sixty-ninth Session, Supplement No. 17* (A/69/17), paras. 205–207; ibid., *Seventieth Session, Supplement No. 17* (A/70/17), paras. 279–281; ibid., *Seventy-first Session, Supplement No. 17* (A/71/17), paras. 286–290; and ibid., *Seventy-second Session, Supplement No. 17* (A/72/17), paras. 360–364.

[2] Ibid., *Seventieth Session, Supplement No. 17* (A/70/17), para. 280.

[3] Ibid., *Seventy-first Session, Supplement No. 17* (A/71/17), para. 290.

[4] Ibid., *Seventy-second Session, Supplement No. 17* (A/72/17), para. 364.

V.18-03619 (E) 290518 300518

Please recycle

to sessions of UNCITRAL and its working groups: the African Legal Support Facility (ALSF, www.aflsf.org); Association of Southeast Asian Nations (ASEAN, https://asean.org); Central African Economic and Monetary Community (CEMAC, www.cemac.int); Sistema Económico Latinoamericano y del Caribe (SELA, www.sela.org); South Centre (www.southcentre.int); and Unión de Naciones Suramericanas (UNASUR, www.unasursg.org).

4. The following non-governmental organization (NGO) that applied to the UNCITRAL secretariat with the request to be invited to sessions of UNCITRAL and its working groups was found meeting the eligibility criteria and was added in the list of NGOs invited to sessions of UNCITRAL: World Economic Forum (WEF; www.weforum.org).

5. The following NGOs that applied to the UNCITRAL secretariat with the request to be invited to sessions of UNCITRAL and its working groups were found not meeting the eligibility criteria and their requests were thus not granted (listed in the chronological order of their application):

(a) International Association for Contract and Commercial Management (IACCM, www.iaccm.com) was interested in participating as an observer in sessions of UNCITRAL in general. Legal or commercial experience to be reported upon by the organization was found not relevant to the current legislative work programme of UNCITRAL;

(b) International Institute for Environment and Development (IIED, www.iied.org) was interested in participating as an observer in sessions of Working Group III (ISDS Reform). Legal or commercial experience to be reported upon by the organization was found represented by other organizations already invited to Working Group III's sessions that were held during the period covered by this note. The organization might be considered for invitation to future sessions of the Working Group;

(c) Singapore International Dispute Resolution Academy (SIDRA, www.sidra.academy) was interested in participating as an observer in sessions of Working Group II (Dispute Settlement). It was found that acceptance of that NGO as an observer would not contribute to achieving a balanced representation at the sessions of the Working Group of the major viewpoints or interests in the relevant field in all areas and regions of the world since a similar NGO from the same jurisdiction is already invited to the Working Group. In addition, the application was considered submitted late taking into account that the current work of the Working Group was nearing completion. The list of NGOs invited to future sessions of Working Group II would be compiled in the light of a new area of work or topic to be assigned to that Working Group;

(d) Public Citizen (www.citizen.org) was interested in participating as an observer in sessions of Working Group III (ISDS Reform). That NGO was not found to be international in membership and focus and with a demonstrated international expertise in the area of work currently dealt with by Working Group III. Public Citizen requested the Secretariat to reconsider that decision and was advised by the Secretariat that the request for reconsideration would be brought to the attention of the Commission for final determination;

(e) Mainland-Hong Kong Joint Mediation Center (http://mhjmc.org/tc/index.php) was interested in participating in sessions of Working Group III (ISDS Reform). Legal or commercial experience to be reported upon by the organization was not found relevant to subjects currently discussed in that Working Group.

6. The following NGO was removed from the list because it had ceased to exist: the Council of the Scientific Consultative Centre for Private Law of the CIS.[5]

[5] The decision on its liquidation may be found at http://cis.minsk.by/reestr/ru/index.html#reestr/view/text?doc=1968 (in Russian).

7. The following NGOs and other entities are expected, in the assessment of the Secretariat, to make useful contributions to the work of Working Group III (ISDS Reform) at the current stage of deliberations in that Working Group. They were put on an ad hoc list of additional NGOs and other entities invited to that Working Group. The need for inviting them to future sessions of the Working Group will be assessed by the Secretariat according to the needs of the Working Group at a given time:

#	*Acronym*	*Full name of the organization*	*Website*
1.	ACILP	African Center of International Law Practice	www.acilp.org
2.	BIICL	British Institute of International and Comparative Law	www.biicl.org
3.	ClientEarth	ClientEarth	www.clientearth.org
4.	CCSI	Columbia Center on Sustainable Investment	ccsi.columbia.edu
5.	CUTS International	Consumer Unity and Trust Society	www.cuts-international.org
6.	EFILA	European Federation for Investment Law and Arbitration	efila.org
7.	T&E	European Federation for Transport & Environment	www.transportenvironment.org
8.	ETUC	European Trade Union Confederation	www.etuc.org
9.	FOEI	Friends of the Earth International	www.foei.org
10.	IAM	Institut Afrique Monde	www.institutafriquemonde.org
11.	IEA	Institutio Ecuatoriano de Arbitraje	www.iea.ec
12.	ICTSD	International Centre for Trade and Sustainable Development	www.ictsd.org
13.	ITUC	International Trade Union Confederation	www.ituc-csi.org
14.	CAIL/ITA	The Center for American and International Law • Institute for Transnational Arbitration	www.cailaw.org
15.	USCIB	United States Council for International Business	www.uscib.org

8. The NGOs and other entities listed immediately above are not invited to annual sessions of UNCITRAL or considered for invitation to other UNCITRAL working groups. UNCITRAL may decide to invite some or all of them to its annual sessions when instruments related to ISDS reform will be considered. Alternatively, it might decide to move some or all of them to the general list of NGOs invited to sessions of UNCITRAL and its working groups.